

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday August 23, 2019  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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*AMENDED MINUTES*

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of July 19, 2019, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeal Meeting of July 19, 2019, minutes.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Gerald Edward Poe v. MITF, File #CM2015-00870FMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Joe Farnan represented the Claimant and Jon Derouen represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2. Bennie E. Herring v. City of Tulsa (Own Risk #10435), File #CM2016-05263A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. JL Franks, the attorney of record for the Claimant, failed to appear. Travis R. Colt represented the Respondent.

**Motion:** After reviewing the record, hearing Respondent's oral argument and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**3. Tyrone McConnell v. MITF File #CM2016-06655KMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Donald E. Smolen represented the Claimant and Jennifer Ahrend represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**4. William D. French v. City of Tulsa (Own Risk #10435) File #CM2016-08454R**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. JL Franks is the attorney of record for the Claimant and Cyrus Nathaniel Lawyer is the attorney of record for the Respondent.

The parties to this case sent a joint email agreeing to continue this case prior to oral argument.

**Motion:** Commissioner Russell moved to continue this case.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: CONTINUED**

**5. In The Matter of the Death of Kevin Michael Minyen v. Safety Plus USA LLC & CompSource Mutual Insurance (FKA CompSource Oklahoma), File #CM2016-05634A**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. D. Eliot Yaffe represented the Claimant and Michael Fagan represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of of Respondent's counsel and deliberating, Commissioner Tilly moved deny the Motion for Summary Judgment and to take this case under advisement.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**6. Vickie Elaine Franks v. Little Dixie Community Action Agency & CompSource Mutual Insurance (FKA CompSource Oklahoma) File #CM2016-05896A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Edward Grimes represented the Claimant and John S. Oldfield Jr., represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take this case under advisement.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**7. James G Stirling v. Lowes Home Centers LLC (Own Risk #18931) File #CM2018-01618Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret Unterschuetz represented the Claimant. Jennifer Ahrend represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**C. Commission Consideration of Adoption of Final Orders in the Following Cases:**

**1. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**CONTINUED**

**2. Meredith Cochran v. Comanche County Memorial Hospital (Own Risk #13032), File #CM2017-0860K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis represented the Claimant and Gary D. Long represented the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this matter under advisement.

***Motion:*** Commissioner Tilly moved to adopt this order as proposed.

***Second:*** Commissioner Russell.

***Those Voting Aye:*** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ADOPTED**

**3. Jayme Byassee v. 7 Eleven Stores Inc. & Great American Alliance Insurance Co., File #CM2017-07246Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green is the attorney of record for the Claimant and Heather A. Lehman Fagan is the attorney of record for the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**CONTINUED**

**4. Kenneth Christensen v. Stevens Trucking Co. & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2016-06441Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Joey Chiaf is the attorney of record for the Claimant and Grant M. Spencer is the attorney of record for the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to modify the ALJ's decision.

**Motion:** Commissioner Tilly moved to adopt the order as proposed.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER ADOPTED**

**5. Terry W. Garrett v. MITF, File #CM2015-04717JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Micah Felton represented the Claimant and Heather Lehman Fagan represented the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**CONTINUED**

**6. Linda Carpenter v. ATC Drivetrain Inc. and Great American Alliance Insurance Co., File #CM2018-02862L**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Timothy Kent represented the Claimant and Heather A. Lehman Fagan represented the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Motion:** Commissioner Russell moved to continue the remaining orders to the next appellate docket.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: REMAINING ORDERS CONTINUED**

#### **D. Announcements**

Commission's next special business meeting is Thursday, September 5, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, September 20, 2019.

#### **ADJOURNMENT**

**Motion:** Commissioner Tilly moved to adjourn the meeting at approximately 2:12 p.m.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**